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March 28, 2017

BY E.C.F.
Honorable Kevin Nathaniel Fox
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

Re: Umar Alli v. Deputy Moore, et al., 14-CV-6597 (AT) (KNF)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to the defense of the above-referenced matter. In that capacity, I write to respectfully request that the Court hold plaintiff's motion for an extension of time under Fed. R. Civ. P. 4(m) to serve defendants Thompson, Harris and Reese (Docket No. 119) in abeyance until after April 7, 2017, when the parties are scheduled to appear for a settlement conference before Magistrate Judge Gorenstein.[1] Defendants also respectfully request that should the Court grant this motion, the Court allow defendants until April 14, 2017 to respond to plaintiff's motion. This is the first request of this kind and plaintiff's counsel, Ryan Lozar, consents to this request.

By way of background, plaintiff alleges that was subjected to excessive force by the defendants on August 25, 2011 while he was incarcerated at Rikers Island. Plaintiff is also alleging claims of municipal liability against the City of New York, the Board of Correction and numerous supervisory officers at the Department of Correction. On March 26, 2017, plaintiff filed a motion requesting an extension of time under Fed. R. Civ. P. 4(m) for defendants Thompson, Harris and Reese to be served. (Docket No. 119). As detailed in defendants' March 24, 2017 letter, these defendants may have grounds to make a motion to dismiss pursuant to Fed.

[1] As Your Honor is likely aware, the parties are currently scheduled to appear for a settlement conference to discuss potential resolution of this case as well as Umar Alli v. Security Officer Pedlar, et al. 14-CV-10257 (RA) (JLC) and Umar Alli v. Warden of ARNDC, et al., 12-CV-3947 (GBD) (GWG).

R. Civ. P. 4(m) for untimely service of process, which will ultimately determine defendants' response to plaintiff's motion. See Docket No. 116.

In light of the upcoming settlement conference, which may render plaintiff's motion moot, in an effort to conserve resources, defendants respectfully request that the Court hold plaintiff's motion for an extension of time under Fed. R. Civ. P 4(m) in abeyance until a time after the parties appear for the April 7, 2017 settlement conference. . In the event that the parties are not able to reach a resolution on April 7, 2017, and the Court is inclined to grant this request, defendants respectfully request that the Court grant defendants until April 14, 2017 to respond to plaintiff's motion.

Thank you for your consideration herein.

Respectfully submitted,

/s/

Erin Ryan
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Ryan Lozar (By ECF)
Attorney for Plaintiff